



General Assembly

January Session, 2013

## ***Amendment***

LCO No. 6864

**\*HB0640706864SR0\***

Offered by:  
SEN. KISSEL, 7<sup>th</sup> Dist.

To: House Bill No. 6407

File No. 174

Cal. No. 521

### ***"AN ACT CONCERNING THE ASSAULT OF A LIQUOR CONTROL AGENT."***

1 After the last section, add the following and renumber sections and  
2 internal references accordingly:

3 "Sec. 501. Section 30-48 of the general statutes is repealed and the  
4 following is substituted in lieu thereof (*Effective from passage*):

5 (a) No backer or permittee of one permit class shall be a backer or  
6 permittee of any other permit class except in the case of any class of  
7 airport, railroad, airline and boat permits, and except that: (1) A backer  
8 of a hotel or restaurant permit may be a backer of both such classes; (2)  
9 a holder or backer of a manufacturer permit for a brew pub, a  
10 restaurant permit or a cafe permit may be a holder or backer of any  
11 other or all of such classes; (3) a holder or backer of a restaurant permit  
12 may be a holder or backer of a bowling establishment permit; (4) a  
13 backer of a restaurant permit may be a backer of a coliseum permit or a  
14 coliseum concession permit, or both, when such restaurant is within a  
15 coliseum; (5) a backer of a hotel permit may be a backer of a coliseum

16 permit or a coliseum concession permit, or both; (6) a backer of a  
17 coliseum permit may be a backer of a coliseum concession permit; (7) a  
18 backer of a coliseum concession permit may be a backer of a coliseum  
19 permit; (8) a backer of a grocery store beer permit may be a backer of a  
20 package store permit if such was the case on or before May 1, 1996; (9)  
21 a backer of a university permit may be a backer of a nonprofit theater  
22 permit; (10) subject to the discretion of the department, a backer of a  
23 permit provided for in section 30-33b, may be a backer of any other  
24 retail on-premise consumption permit, including those permits  
25 provided for in section 30-33b; (11) a backer of a nonprofit theater  
26 permit may be a holder or backer of a hotel permit; (12) a holder or  
27 backer of a restaurant permit may be a holder or backer of a special  
28 outing facility permit; (13) a backer of a concession permit may be a  
29 backer of a coliseum permit or a coliseum concession permit, or both;  
30 (14) a holder of an out-of-state winery shipper's permit for wine may  
31 be a holder of an in-state transporter's permit or an out-of-state entity  
32 wine festival permit issued pursuant to section 30-37m, or of both such  
33 permits; (15) a holder of an out-of-state shipper's permit for alcoholic  
34 liquor other than beer may be a holder of an in-state transporter's  
35 permit; and (16) a holder of a manufacturer's permit for a farm winery  
36 may be a holder of an in-state transporter's permit, a wine festival  
37 permit issued pursuant to section 30-37l, a farmers' market wine sales  
38 permit issued pursuant to subsection (a) of section 30-37o or of any  
39 combination of such permits. Any person may be a permittee of more  
40 than one permit. A person may be a permittee under a permit  
41 provided for in section 30-33b and a backer of any other retail on-  
42 premise consumption permit, including those permits provided for in  
43 section 30-33b. The operator of a racing or jai alai exhibition with pari-  
44 mutuel betting licensed by the Gaming Policy Board may be a backer  
45 of any permit provided for in section 30-33b. No holder of a  
46 manufacturer permit for a brew pub and no spouse or child of such  
47 holder may be a holder or backer of more than three restaurant  
48 permits or cafe permits.

49 [(b) No permittee or backer thereof and no employee or agent of

50 such permittee or backer shall borrow money or receive credit in any  
51 form for a period in excess of thirty days, directly or indirectly, from  
52 any manufacturer permittee, or backer thereof, or from any wholesaler  
53 permittee, or backer thereof, of alcoholic liquor or from any member of  
54 the family of such manufacturer permittee or backer thereof or from  
55 any stockholder in a corporation manufacturing or wholesaling such  
56 liquor, and no manufacturer permittee or backer thereof or wholesaler  
57 permittee or backer thereof or member of the family of either of such  
58 permittees or of any such backer, and no stockholder of a corporation  
59 manufacturing or wholesaling such liquor shall lend money or  
60 otherwise extend credit, directly or indirectly, to any such permittee or  
61 backer thereof or to the employee or agent of any such permittee or  
62 backer. A wholesaler permittee or backer, or a manufacturer permittee  
63 or backer, that has not received payment in full from a retailer  
64 permittee or backer within thirty days after the date such credit was  
65 extended to such retailer or backer or to an employee or agent of any  
66 such retailer or backer, shall give a written notice of obligation to such  
67 retailer within the five days following the expiration of the thirty-day  
68 period of credit. The notice of obligation shall state: The amount due;  
69 the date credit was extended; the date the thirty-day period ended, and  
70 that the retailer is in violation of this section. A retailer who disputes  
71 the accuracy of the "notice of obligation" shall, within the ten days  
72 following the expiration of the thirty-day period of credit, give a  
73 written response to notice of obligation to the department and give a  
74 copy to the wholesaler or manufacturer who sent the notice. The  
75 response shall state the retailer's basis for dispute and the amount, if  
76 any, admitted to be owed for more than thirty days; the copy  
77 forwarded to the wholesaler or manufacturer shall be accompanied by  
78 the amount admitted to be due, if any, and such payment shall be  
79 made and received without prejudice to the rights of either party in  
80 any civil action. Upon receipt of the retailer's response, the chairman of  
81 the commission or such chairman's designee shall conduct an informal  
82 hearing with the parties being given equal opportunity to appear and  
83 be heard. If the chairman or such chairman's designee determines that  
84 the notice of obligation is accurate, the department shall forthwith

85 issue an order directing the wholesaler or manufacturer to promptly  
86 give all manufacturers and wholesalers engaged in the business of  
87 selling alcoholic liquor to retailers in this state, a "notice of  
88 delinquency". The notice of delinquency shall identify the delinquent  
89 retailer, and state the amount due and the date of the expiration of the  
90 thirty-day credit period. No wholesaler or manufacturer receiving a  
91 notice of delinquency shall extend credit by the sale of alcoholic liquor  
92 or otherwise to such delinquent retailer until after the manufacturer or  
93 wholesaler has received a "notice of satisfaction" from the sender of the  
94 notice of delinquency. If the chairman or such chairman's designee  
95 determines that the notice of obligation is inaccurate, the department  
96 shall forthwith issue an order prohibiting a notice of delinquency. The  
97 party for whom the determination by the chairman or such chairman's  
98 designee was adverse, shall promptly pay to the department a part of  
99 the cost of the proceedings as determined by the chairman or such  
100 chairman's designee, which shall not be less than fifty dollars. The  
101 department may suspend or revoke the permit of any permittee who,  
102 in bad faith, gives an incorrect notice of obligation, an incorrect  
103 response to notice of obligation, or an unauthorized notice of  
104 delinquency. If the department does not receive a response to the  
105 notice of obligation within such ten-day period, the delinquency shall  
106 be deemed to be admitted and the wholesaler or manufacturer who  
107 sent the notice of obligation shall, within the three days following the  
108 expiration of such ten-day period, give a notice of delinquency to the  
109 department and to all wholesalers and manufacturers engaged in the  
110 business of selling alcoholic liquor to retailers in this state. A notice of  
111 delinquency identifying a retailer who does not file a response within  
112 such ten-day period shall have the same effect as a notice of  
113 delinquency given by order of the chairman or such chairman's  
114 designee. A wholesaler permittee or manufacturer permittee that has  
115 given a notice of delinquency and that receives full payment for the  
116 credit extended, shall, within three days after the date of full payment,  
117 give a notice of satisfaction to the department and to all wholesalers  
118 and manufacturers to whom a notice of delinquency was sent. The  
119 prohibition against extension of credit to such retailer shall be void

120 upon such full payment. The department may revoke or suspend any  
121 permit for a violation of this section. An appeal from an order of  
122 revocation or suspension issued in accordance with this section may be  
123 taken in accordance with section 30-60.]

124     ~~[(c)]~~ (b) If there is a proposed change or change in ownership of a  
125 retail permit premises, no application for a permit shall be approved  
126 until the applicant files with the department an affidavit executed by  
127 the seller of the retail permit premises stating that all obligations of the  
128 predecessor permittee for the purchase of alcoholic liquor at such  
129 permit premises have been paid or that such applicant did not receive  
130 direct or indirect consideration from the predecessor permittee. If a  
131 wholesaler permittee alleges the applicant received direct or indirect  
132 consideration from the predecessor permittee or that there remain  
133 outstanding liquor obligations, such wholesaler permittee may file  
134 with the department an affidavit, along with supporting  
135 documentation to establish receipt of such consideration or  
136 outstanding liquor obligations. The Commissioner of Consumer  
137 Protection, in the commissioner's sole discretion, shall determine  
138 whether a hearing is warranted on such allegations. The commissioner  
139 may waive the requirement of such seller's affidavit upon finding that  
140 (1) the predecessor permittee abandoned the premises prior to the  
141 filing of the application, and (2) such permittee did not receive any  
142 consideration, direct or indirect, for such permittee's abandonment.  
143 For the purposes of this subsection, "consideration" means the receipt  
144 of legal tender or goods or services for the purchase of alcoholic liquor  
145 remaining on the premises of the predecessor permittee, for which bills  
146 remain unpaid.

147     ~~[(d)]~~ (c) A permittee may file a designation of an authorized agent  
148 with the department to issue or receive all notices or documents  
149 provided for in this section. The permittee shall be responsible for the  
150 issuance or receipt of such notices or documents by the agent.

151     (e) The period of credit permitted under this section shall be  
152 calculated as the time elapsing between the date of receipt of the

153 alcoholic liquors by the purchaser and the date of full legal discharge  
154 of the purchaser through the payment of cash or its equivalent from all  
155 indebtedness arising from the transaction except that, if the last day for  
156 payment falls on a Saturday, Sunday or legal holiday, the last day for  
157 payment shall then be the next business day.]

158 Sec. 502. Section 30-38a of the general statutes is repealed and the  
159 following is substituted in lieu thereof (*Effective from passage*):

160 In all cases where two or more retail liquor permit premises are in  
161 common or cooperative ownership, or where a majority of the capital  
162 stock having voting privileges of corporations owning together two or  
163 more retail liquor permit premises is held by the same person or  
164 persons, the permittees thereof may transfer any alcoholic liquor from  
165 one such retail premise to another such retail premise, for the purpose  
166 of inventory equalization or other business convenience, [ except  
167 when such permittee is a delinquent retailer as said term is used in  
168 subsection (b) of section 30-48.]"

This act shall take effect as follows and shall amend the following sections:		
Sec. 501	<i>from passage</i>	30-48
Sec. 502	<i>from passage</i>	30-38a